

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TED DOUKAS, SYNGEN DATA)
SERVICES CORPORATION, TED)
DOUKAS, as a shareholder of SYNGEN)
DATA SERVICES, TED DOUKAS, as a)
joint venture partner with CLAUDIO)
BALLARD, TED DOUKAS as an equitable)
owner of all patents and technology owned by)
CLAUDIO BALLARD or his purported)
assignees, TED DOUKAS as an equitable)
owner of all patents and technology owned by)
DataTreasury Corp., TED DOUKAS as)
owner of certain technology and assets)
produced by a joint venture with CLAUDIO)
BALLARD, TED DOUKAS as a 50%)
equitable owner of DataTreasury Corp., an)
assignee of CLAUDIO BALLARD'S)
ownership of certain technology developed by)
the joint venture and unknown Defendants)
named John and Jane Does "1" through)
"750", TED DOUKAS as the constructive)
and beneficial owner of all settlements and)
licensing agreements relating to certain)
technology created by virtue of a joint TED)
DOUKAS as a joint venture owner of the)
assets of a joint venture partnership)
commonly referred to as "the *Doukas/Ballard*)
joint venture",)

Plaintiffs,)

-against-)

CLAUDIO BALLARD, KEITH DELUCIA)
a/k/a "KEITH WICKEY", a/k/a "KEITH)
DOYLE", SHEPHARD LANE,)
UNIDENTIFIED DEFENDANTS JOHN)
AND JANE DOES "1" THROUGH "750",)
UNIDENTIFIED CORPORATE ENTITIES)
"1" THROUGH "75", UNKNOWN)
LICENSES AND BANKING)
INSTITUTIONS "1" THROUGH "75",)
DATATREASURY CORP., KEITH)
DELUCIA a/k/a "KEITH WICKEY", a/k/a)

No. 2:11-cv-03275-JFB-WDW

NOTICE OF MOTION TO ADMIT
COUNSEL PRO HAC VICE

Judge: Joseph F. Bianco
Magistrate: William D. Wall

“KEITH DOYLE” as an owner of shares in)
 DataTreasury Corporation, SHEPHARD)
 LANE, as an owner of shares in DataTreasury)
 Corporation, CLAUDIO BALLARD, as an)
 owner of shares in DataTreasury Corporation,)
 SYNGEN CORPORATION, CLAUDIO)
 BALLARD as an owner of shares in)
 SYNGEN CORPORATION, CLAUDIO)
 BALLARD as the fiduciary to TED)
 DOUKAS and SYNGEN DATA SERVICES)
 CORPORATION, CLAUDIO BALLARD as)
 the Constructive trustee of TED DOUKAS’)
 interest in the technology created by a joint)
 venture, PETER LUPOLI, VIRGINIA)
 LUPOLI, CSP HOLDINGS INC., HAROLD)
 NIX (individually), NIX PATTERSON AND)
 ROACH, LLP, BANK OF AMERICA,)
 WELLS FARGO, CITIBANK, BANK)
 HAPOALIM, BANCORPSOUTH, INC.)
 INTUIT INC., KEYCORP and KEYBANK)
 NATIONAL ASSOC., JP MORGAN CHASE)
 & CO., INGENICO, JP MORGAN CHASE)
 BANK, M&T BANK CORP., MERRILL)
 LYNCH, UNION BANK OF CALIFORNIA,)
 PNC FINANCIAL SERVICES GROUP,)
 CHARLES SCHWAB & CO., INC. and)
 CHARLES SCHWAB BANK, MERRILL)
 LYNCH, PIERCE, FENNER & SMITH,)
 INC., PNC FINANCIAL SERVICES)
 GROUP, THE ROYAL BANK OF)
 SCOTLAND GROUP, SUNTRUST BANK,)
 INC., WELLS FARGO & COMPANY,)
 BANK OF TOKYO-MITSUBISHI UFJ,)
 LTD., THE BANK OF NEW YORK)
 MELLON CORPORATION, THE BANK OF)
 NEW YORK MELLON, CITIGROUP, INC.,)
 CITIBANK, N.A., CITY NATIONAL)
 BANK, COMMUNITY BANKING)
 SYSTEMS, BRANCH BANKING AND)
 TRUST CORPORATION,)
 COMERICABANK, COMERICA)
 INCORPORATED, COMPASS)
 BANCSHARES, INC., COMPASS BANK,)
 DEUTSCHE BANK, EDWARD D. JONES)
 & CO., L.P., HSBC NORTH AMERICA)
 HOLDINGS INC., HSBC BANK USA, N.A.,)

FIRST TENNESSEE BANK NATIONAL)
ASSOCIATION, CULLEN/FROST)
BANKERS, INC. and THE FROST)
NATIONAL BANK,)

Defendants.)

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TO: All counsel of record registered to receive ECF notifications in the above-captioned matter

PLEASE TAKE NOTICE that upon the annexed affidavit of movant in support of this motion and the Certificate of Good Standing annexed thereto, we will move this Court pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order allowing the admission of movant, a member of the firm of Jones Day, and a member in good standing of the Bar of the State of Georgia, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel for Defendant M&T Bank Corp. There are no pending disciplinary proceedings against me in any State or Federal court.

Respectfully submitted,

By: 

JONES DAY

Olivia E. Marbutt

(Georgia Bar No. 141255)

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1420 Peachtree Street, N.E.

Suite 800

Atlanta, Georgia 30309-3053

Telephone: (404) 521-3939

Fax: (404) 581-8330

Attorneys for M&T Bank Corp.

Dated: August 3, 2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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No. 2:11-cv-03275-JFB-WDW

AFFIDAVIT OF OLIVIA E. MARBUTT
IN SUPPORT OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE*

Judge: Joseph F. Bianco
Magistrate: William D. Wall

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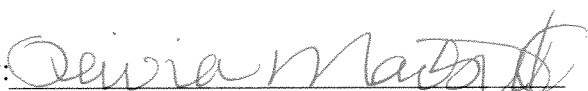
Defendants.

_____))
_____))
_____))
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State of Georgia)
) ss:
County of Fulton)

Olivia E. Marbutt, being duly sworn, hereby deposes and says as follows:

1. I am an associate with the law firm of Jones Day.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of Georgia.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case for Defendant M&T Bank Corp.

By: 
JONES DAY
Olivia E. Marbutt
(Georgia Bar No. 141255)
E-mail: oemarbutt@jonesday.com
1420 Peachtree Street, N.E.
Suite 800
Atlanta, Georgia 30309-3053
Telephone: (404) 521-3939
Fax: (404) 581-8330

Attorneys for M&T Bank Corp.

Dated: August 3, 2011

Subscribed and sworn to before me
this 3rd day of August, 2011.

Diane Przywara
Notary Public

My Commission Expires: 6-27-14



STATE BAR OF GEORGIA



Lawyers Serving the Public and the Justice System

Ms. Olivia Elsbeth Marbutt
Jones Day
1420 Peachtree Street, N.E., Suite 800
Atlanta, GA 30309-3053

CURRENT STATUS: Active Member-Good Standing
DATE OF ADMISSION: 11/09/2004
BAR NUMBER: 141255
TODAY'S DATE: 08/03/2011

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition	Date
N/A	N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- **Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).**
- **Sworn in to the Superior Court of Georgia, which is the highest court required to practice law in Georgia.**
- **Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.**

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



STATE BAR OF GEORGIA

Brandy Cleghorn

Official Representative of the State Bar of Georgia

HEADQUARTERS

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 Atlanta, Georgia 30303
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 P.O. Box 1390
 Tifton, Georgia 31793-1390
 (229) 387-0446 ■ (800) 330-0446
 FAX (229) 382-7435

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ADMISSION TO PRACTICE *PRO HAC*
VICE

Judge: Joseph F. Bianco

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ASSOCIATION, CULLEN/FROST)
BANKERS, INC. and THE FROST)
NATIONAL BANK,)

Defendants.

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The motion for admission to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney Olivia E. Marbutt is permitted to argue or try this particular case in whole or in part as counsel or advocate for Defendant M&T Bank Corp.

This Order becomes effective upon the Court's receipt of the required \$25.00 fee and confirms your appearance as counsel in this case. A notation of your admission *pro hac vice* in the above listed case will be made on the roll of attorneys.

Dated: _____

United States District Judge

cc: Olivia E. Marbutt
Court File